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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,635	03/01/2002	Hirokazu Kimura	UNIU57.001APC	7611

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

ADAMS, GREGORY W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,635

Applicant(s)

KIMURA, HIROKAZU

Examiner

Gregory W. Adams

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to lines 4-5, although the wheels run on the ring-shaped fixed horizontal rail, how do the outer and inner rings run with wheels on the rail? It does not appear that they touch or contact in anyway.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

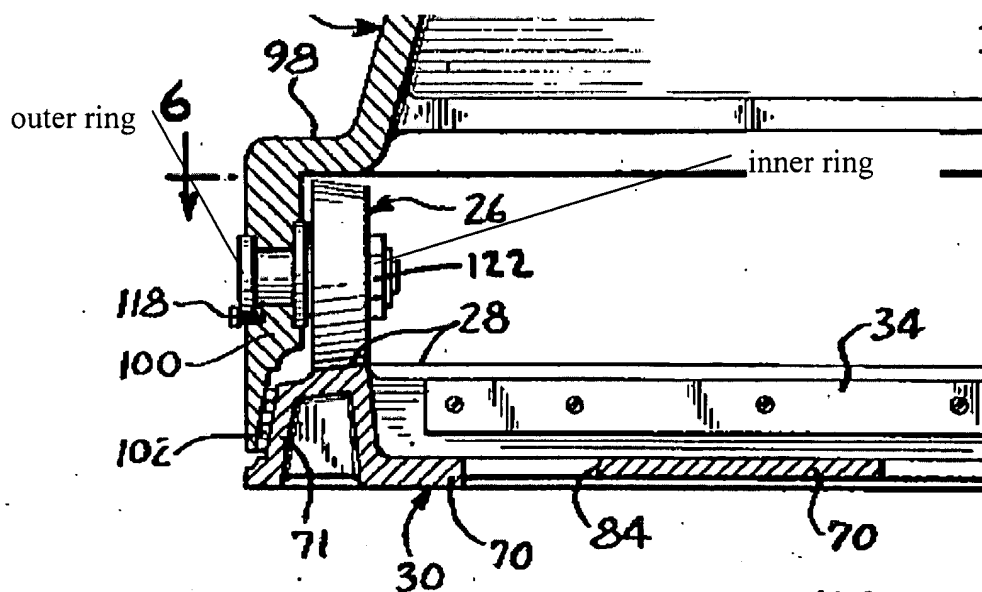
3. Claims 1, 4 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zamorano Morfin (US 5,829,941) in view of Hunter (US 2,967,440).

With respect to claims 1 & 4, Zamorano Morfin discloses a transfer device comprising a carriage 12 rotating along a ring-shaped fixed horizontal rail, a carriage comprising an inner ring 70 and wheels 71, vertical columns 11, 11a fixed to a carriage inner ring 70, table 25, and a drivingly running mechanisms 19, 42 for running and lifting (col. 5, Ins. 49-59), wherein a transfer device dev further comprises another carriage 12a, an ring-shaped horizontal rail 21 where horizontal rails are in parallel yes and fixed

Art Unit: 3652

to a floor 22. Zamorano Morfin does not disclose a wheel rotatably fixed to and sandwiched between outer and inner rings.

Hunter '440 teaches a carriage comprising a comprising a carriage 20 rotating along a ring-shaped fixed horizontal rail 28 a carriage comprising wheels 26 rotatably fixed to and sandwiched between an outer ring 116 (FIG. 5 as shown) and inner ring 122 (FIG. 5 as shown). Hunter teaches wheels running on a rail and sandwiched between outer and inner rings provide a turntable applicable in any situation where periodic indexing of massive rotatable structures, i.e. turntable structures, between successive operations is required. Col. 1, Ins. 15-70. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the carriage of Zamorano Morfin to sandwich wheels between rings, as per the teachings of Hunter, to provide a turntable applicable in any situation where periodic indexing of massive rotatable structures, i.e. turntable structures, between successive operations is required.



Art Unit: 3652

4. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zamorano Morfin (US 5,829,941) and Hunter (US 2,967,440) as applied to claim 1

above, and further in view of Van Dijk (WO 97/16613) published on May 9, 1997.

Zamorano Morfin discloses a transfer device structure but does not disclose an upper and lower transfer device. Van Dijk discloses a transfer device structure 1 comprising vertically aligned upper and lower transfer devices and a carry in-and-out floor 4. Col. 2, lns. 1-35. Van Dijk teaches use of two vertically orientated transfer devices, one above ground and one below, requires only one entry/exit and further for flexibility and integration into already existing building developments and infrastructure as well as reducing energy costs due to short transport distances. Col. 1, ln. 50 - col. 2, ln. 35.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the structure of Zamorano Morfin to include vertically aligned transfer devices, as per the teachings of Van Dijk, to provide two vertically orientated transfer devices, one above ground and one below, because this configuration requires only one entry/exit and further provides flexibility and integration of transfer devices into already existing building developments and infrastructure as well as reducing energy costs due to short transport distances.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 4 & 12-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Art Unit: 3652

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600